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SECOND ANNUAL REPORT

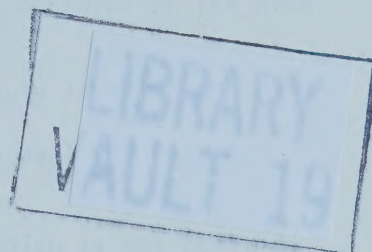
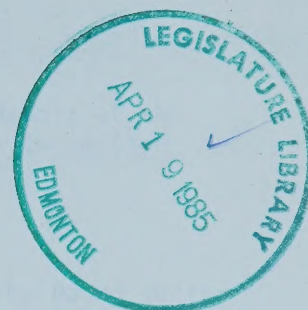
of the

SURFACE RIGHTS BOARD

appointed under

THE SURFACE RIGHTS ACT

for the year 1973



JOHN D. McARTHUR

Chairman

Members in Edmonton

K. J. SPREAD

C. H. NIELSEN

Members in Calgary

L. P. POLLARD

S. C. TIPPETT

A. W. BENEDIX

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Statements A to I attached hereto indicate the combined number of applications dealt with by the Board in both its Edmonton and Calgary offices.

The following is a brief summary of applications dealt with by the Board in each of its two offices in 1973:

1. With respect to proceedings under The Surface Rights Act:

(a) (i) Edmonton

116 applications carried over from 1972 consisting of:

103 for right of entry,
3 for termination of right of entry in part, and
10 for termination of right of entry in full.

(ii) Calgary

266 applications carried over from 1972 consisting of:

264 for right of entry, and
2 for termination of right of entry in full.

(b) (i) Edmonton

227 applications received in 1973 consisting of:

179 for right of entry,
3 for termination of right of entry in part, and
45 for termination of right of entry in full.

(ii) Calgary

328 applications received in 1973 consisting of:

155 for right of entry,
173 for termination of right of entry in full.

(c) (i) Edmonton

155 applications disposed of in 1973 consisting of:

108 for right of entry,
3 for termination of right of entry in part, and
44 for termination of right of entry in full.

(ii) Calgary

370 applications disposed of in 1973 consisting of:

201 for right of entry,
162 for termination of right of entry in full.

(d) (i) Edmonton

188 applications outstanding at the end of 1973 consisting of:

- 174 for right of entry,
- 3 for termination of right of entry in part, and
- 11 for termination of right of entry in full.

(ii) Calgary

224 applications outstanding at the end of 1973 consisting of:

- 211 for right of entry, and
- 13 for termination of right of entry in full.

For purposes of clarification, practically all of the applications carried over from 1972 in Calgary were transferred to that office from Edmonton following the official opening of the Calgary office on November 15, 1972. Most of them were disposed of in 1973.

2. With respect to proceedings under The Expropriation Procedure Act:

(a) Edmonton

There were 224 applications carried over from 1972; 192 were with respect to pipe lines and 32 were for power lines. In 1973, 28 applications were received; 27 for pipe lines and 1 for a power line. During the year 96 applications were disposed of, leaving 154 applications outstanding at the end of the year.

(b) Calgary

There were 65 applications carried over from 1972; 54 were with respect to pipe lines and 31 for power lines. In 1973, 22 applications were received for pipe lines and 1 for a power line. During the year 18 applications were disposed of, leaving 90 applications outstanding at the end of the year.

The Board had set down a great number of applications carried over from 1972 including the ones transferred from the Public Utilities Board in October, 1972, for hearings early in 1973; but because the respondents, usually the landowners objected to the hearings on the grounds that the legislation was to replace the Expropriation Procedure Act later in the same year, the Board cancelled the hearings pending new legislation.

Detailed information on appeals from decisions of the Board on the amount of compensation and to whom payable is given in the attached statement 3.

In 1973 the Board issued a total of 970 orders relative to proceedings under The Surface Rights Act and 182 orders under The Expropriation Procedure Act.

In compliance with The Administrative Procedures Act, the Board made 57 decisions under The Surface Rights Act and 64 under The Expropriation Procedure Act, setting out the findings of fact upon which the Board based its decisions and the reasons for the decision. In a great number of cases, the decision was relatively short and was embodied in the formal order.

Respectfully submitted,

John D. McArthur,
Chairman.

January 4, 1974.



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SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR OIL AND GAS
dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year	63	298	361
Received during the year	54	280	334
	<u>117</u>	<u>578</u>	<u>695</u>
Applications Disposed of:			
Right of entry granted - compensation determined	39	81	120
Settled independently of Board	2	7	9
Withdrawn - project not proceeded with	5	32	37
Rejected	NIL	NIL	NIL
Termination - no compensation	3	147	150
	<u>49</u>	<u>267</u>	<u>316</u>
Applications Outstanding:	<u>68</u>	<u>311</u>	<u>379</u>

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR COAL
dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year	1	4	5
Received during the year	NIL	NIL	NIL
	1	4	5
Applications Disposed of:			
Right of entry granted - compensation determined	NIL	NIL	NIL
Settled independently of Board	NIL	NIL	NIL
Withdrawn - project not proceeded with	NIL	NIL	NIL
	NIL	NIL	NIL
Applications Outstanding:	1	4	5

STATEMENT C

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR QUARRYING LEASE
dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year	1	NIL	1
Received during the year	NIL	NIL	NIL
	<u>1</u>	<u>NIL</u>	<u>1</u>
Applications Disposed of:			
Right of entry granted - compensation determined	NIL	NIL	NIL
Settled independently of Board	NIL	NIL	NIL
Withdrawn - project not proceeded with	NIL	NIL	NIL
Rejected	NIL	NIL	NIL
	<u>NIL</u>	<u>NIL</u>	<u>NIL</u>
Applications Outstanding:	1	NIL	1
	<u>1</u>	<u>NIL</u>	<u>1</u>

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
ALL APPLICATIONS FOR RIGHT OF ENTRY
dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received			
Carried over from previous year	65	302	367
Received during the year	54	280	334
	---	---	---
	119	582	701
	---	---	---
Applications Disposed of:			
Rights of entry granted - compensation determined	39	81	120
Settled independently of board	2	7	9
Withdrawn - project not proceeded with	5	32	37
Rejected	NIL	NIL	NIL
Terminated - no compensation	3	147	150
	---	---	---
	49	267	316
	---	---	---
Applications Outstanding	70	315	385

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION OF RIGHT OF ENTRY IN FULL
dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year	6	6	12
Received during the year	<u>28</u>	<u>190</u>	<u>218</u>
	34	196	230
	-----	-----	-----
Applications Disposed of:			
Request for termination granted	25	181	206
Request for termination withdrawn	NIL	NIL	NIL
Request for termination rejected	NIL	NIL	NIL
	-----	-----	-----
	25	181	206
	-----	-----	-----
Applications Outstanding	<u>9</u>	<u>15</u>	<u>24</u>

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION IN PART OF RIGHT OF ENTRY
dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year	2	1	3
Received during the year	1	2	3
	---	---	---
	3	3	6
	---	---	---
Applications Disposed of:			
Request for termination in part granted	3	NIL	3
Request for termination in part void	NIL	NIL	NIL
Request for termination in part rejected	NIL	NIL	NIL
	---	---	---
	3	NIL	3
	---	---	---
Applications Outstanding:	0	3	3
	---	---	---

SURFACE RIGHTS BOARD

THE EXPROPRIATION PROCEDURE ACT
 SUMMARY OF APPLICATIONS FOR EXPROPRIATION FOR PIPE LINES
 dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year (including Applications transferred from the Public Utilities Board in 1972)	11	235	246
Received during the year	<u>6</u>	<u>43</u>	<u>49</u>
	<u>17</u>	<u>278</u>	<u>295</u>
Applications Disposed of:			
Expropriation order made by the Board	3	73	76
Rescinded	RIL	35	35
Settled in favour of the Board	RIL	1	1
Withdrawn	<u>RIL</u>	<u>RIL</u>	<u>RIL</u>
	<u>3</u>	<u>109</u>	<u>112</u>
Applications Outstanding:	<u>14</u>	<u>169</u>	<u>183</u>

SURFACE RIGHTS BOARD

THE EXPROPRIATION PROCEDURE ACT
 SUMMARY OF APPLICATIONS FOR EXPROPRIATION FOR POWER LINES
 dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year (including Applications transferred from the Public Utilities Board in 1972)	NIL	63	63
Received during the year	<u>NIL</u>	<u>2</u>	<u>2</u>
	<u>NIL</u>	<u>65</u>	<u>65</u>
Applications Disposed of:			
Expropriation granted - compensation determined	NIL	NIL	NIL
Rescinded	NIL	4	4
Settled independently of Board	<u>NIL</u>	<u>NIL</u>	<u>NIL</u>
	<u>NIL</u>	<u>4</u>	<u>4</u>
Applications Outstanding	<u>NIL</u>	<u>61</u>	<u>61</u>

THE EXPROPRIATION PROCEDURE ACT

SUMMARY OF ALL APPLICATIONS FOR EXPROPRIATION
dealt with in 1973

	<u>Crown Lands</u>	<u>Private Lands</u>	<u>Total</u>
Applications Received:			
Carried over from previous year (including Applications transferred from the Public Utilities Board in 1972)	11	298	309
Received during the year	<u>6</u>	<u>45</u>	<u>51</u>
	<u>17</u>	<u>343</u>	<u>360</u>
Applications Disposed of:			
Expropriation granted - compensation determined	3	73	76
Rescinded	NIL	39	39
Settled independently of Board	<u>NIL</u>	<u>1</u>	<u>1</u>
	<u>3</u>	<u>113</u>	<u>116</u>
Applications Outstanding	<u>14</u>	<u>230</u>	<u>244</u>

SUMMARY OF APPEALS FROM DECISIONS OF THE BOARD TO THE COURTS UNDER
THE SURFACE RIGHTS ACT

NOTICES OF APPEALS FILED

<u>Year</u>	<u>By Companies</u>	<u>By Landowners or Occupants</u>	<u>Total</u>
1967	4	2	6
1968	-	7	7
1969	1	5	6
1970	-	-	-
1971	1	3	4
1972	1	4	5
1973	-	1	<u>1</u>
			<u>29</u>

DISPOSITION OF APPEALS

Appeals completed:

by District Court	6
by Supreme Court of Canada	1
	<u>7</u>

Judgments of District Court

appealed to Appellate Division and not yet dealt with	<u>1</u>
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Settled out of Court	<u>3</u>
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Abandoned	<u>16</u>
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Outstanding	<u>2</u>
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29

